

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>SIGNATURE FLOORING, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 21-2321-JWB-GEB</b>
	)	
<b>SHAW INDUSTRIES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

This matter is before the Court on defendant Shaw Industries, Inc.’s motion for leave to amend its pleadings by joining two third-party defendants through filing its Third-Party Complaint against them. (**ECF No. 17**). Plaintiff Signature Flooring, Inc.’s position on the request was not documented in the motion. However, the motion was filed December 8, 2021, making Plaintiff’s response deadline December 22, 2021. No response was filed, and the Court may grant the motion as uncontested without further notice pursuant to D. Kan. Rule 7.4(b).

Additionally, in its discretion, the Court finds the balance of factors weigh in favor of amendment as analyzed under Fed. R. Civ. P. 15(a)(2) and justice requires amendment.<sup>1</sup>

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<sup>1</sup> The court considers a number of factors in deciding whether to allow an amendment, including timeliness, prejudice to the other party, bad faith, and futility of amendment. *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1204 (10th Cir. 2006) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)); *see also Monge v. St. Francis Health Ctr., Inc.*, No. 12–2269–EFM-JPO, 2013 WL 328957, at \*2 (D. Kan. Jan. 10, 2013), *report and recommendation adopted*, 2013 WL 328986 (D. Kan. Jan. 29, 2013). Rule 15(a)(2) provides leave “shall be freely given when justice so requires,” and the decision to allow an amendment is within the sound discretion of the court. *See J. Vangel*

**IT IS THEREFORE ORDERED** that Defendant Shaw Industries, Inc.’s motion for leave to file a Third-Party Complaint (**ECF No. 17**) is **GRANTED**. Defendant shall file its Third-Party Complaint no later than **January 12, 2022**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 29th day of December, 2021.

s/ Gwynne E. Birzer  
GWYNNE E. BIRZER  
United States Magistrate Judge

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*Elec., Inc. v. Sugar Creek Packing Co.*, No. 11–2112–EFM, 2012 WL 5995283, at \*2 (D. Kan. Nov. 30, 2012) (citing *Panis v. Mission Hills Bank*, 60 F.3d 1486, 1494 (10th Cir. 1995)).